

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NORMA LEE ADAMS and
BARRY WAYNE ADAMS,

Plaintiffs,

v.

Case No. 4:05-cv-62

CITY OF MARSHALL, MARSHALL CITY
POLICE, MICHAEL OLSON, MAURICE
EVANS, BRUCE ELZINGA, ANDREW
GROENEVELD, LEE FRIEND, TOM KING,
GAIL M. BUDROW-BRADSTREET, STEVEN
QUIGLEY, VINCE TRUDELL, and JOHN DOE(S)
and JANE DOE(S),

Hon. Wendell A. Miles

Defendants.

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ORDER

Plaintiffs filed a Notice of Request for Emergency Reconsideration by Affidavit, asking the court to reconsider its order entered on July 6, 2007, denying Plaintiffs' Motion to Release Barry Wayne Adams on Bond.

Plaintiffs argue that preventing Plaintiff Barry Adams from participating in this litigation violates his constitutional rights to due process and access to the courts. It is well established that prisoners who bring civil actions prior to incarceration have no constitutional right to be personally present at any stage of the judicial proceeding. Kulas v. Flores, 255 F.3d 780, 786 (9th Cir. 2001); In re Wilkinson, 137 F.3d 911, 914 (6th Cir. 1998); Lemons v. Skidmore, 985 F.2d 354, 358 (7th Cir. 1993); Holt v. Pitts, 619 F.2d 558, 560-61 (6th Cir. 1980); Michaud v. Michaud, 932 F. 2d 77, 81 (1st Cir. 1991); Poole v. Lambert, 819 F. 2d 1025, 1028 (11th Cir.

1987). Nor is there any constitutional requirement that public funds be used to transport a prisoner to a civil trial and to provide security during the course of the trial. See, e.g. Manning v. Tefft, 839 F. Supp. 126, 129 (D.R.I. 1994).

Therefore, the court DENIES the Plaintiffs' Notice of Request for Emergency Reconsideration by Affidavit (dkt. #131).

So ordered this 17th day of July, 2007.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge